



CANNON BUILDING
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DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	Board of Cosmetology and Barbering
MEETING DATE AND TIME:	Monday, November 29, 2010 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	

MEMBERS PRESENT

Madelyn Nellius, Vice-President, Public Member
Kathryn Lord, Secretary, Professional Member
Cecilia Jones, Public Member
Tien Le, Professional Member
Linda Wilson, Professional Member
Derrick Reed, Professional Member
Melinda Schaeffer, Professional Member
Arlene Scanlon, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Heeney, Deputy Attorney General
Jennifer Witte, Administrative Specialist II
Judy Letterman, Administrative Specialist III
James Collins, Director
Kay Warren, Deputy Director

MEMBERS ABSENT

Leila Lord, Professional Member
Richard Shultie, Jr., Professional Member
Deborah Boulden, Professional Member
Donna Bayard, Professional Member

OTHERS PRESENT

Vera Sitze, Court Reporter
Kevin Harris
Tuan Nguyen
Teresa Whitemar-Watson
Carol Gadsden
Margie Hartnett
Danielle Craig
Richard Klonowski
Marc Goldyn
Leann Novack
Rosa Van
Deborah Frazier
Jerry Thibodeau
Brenda Pressley

CALL TO ORDER

Ms. Nellius called the meeting to order at 9:17 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Lord, seconded by Ms. Jones, to approve the October 25, 2010 minutes as amended. The motion was unanimously carried.

UNFINISHED BUSINESS

Rules and Regulations Public Hearing

Ms. Heeney informed the new Board members of the process and procedures for the hearing.

The hearing was called to order at 9:20 a.m.

The Board members were introduced.

Ms. Heeney stated that this was a public hearing for the proposed changes to the Rules and Regulations and entered affidavits from the two newspapers, Delaware State News and News Journal, as Exhibits 1 and Exhibit 2.

Ms. Heeney requested that the public sign in and asked if there was any public comment concerning the proposed rules and regulations.

There was no public comment.

James Collins, Division Director, had a comment in regards to the theory portion of the apprenticeship program and added that in 2011 there will be an increase in investigations for unlicensed practice.

The Board went off record and into deliberations at 10:08 a.m.

The Board went back on record at 10:11 a.m.

A motion was made by Ms. Jones, seconded by Ms. Lord, to reject the changes to the Rules and Regulations and to re-examine them in January 2011. The motion was unanimously carried.

The hearing adjourned at 10:13 a.m.

Rule to Show Cause Hearing for Linda Keefer

The hearing was called to order 10:20 a.m.

Ms. Heeney stated that today's hearing was the result of failure to submit payment for NSF renewal fee, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on her failure to make good on payment.

Board members were introduced.

Ms. Heeney submitted Board's Exhibit 1, the letter of today's hearing, and letter from Administrative Officer regarding deficient fee.

Ms. Keefer was not present and the hearing proceeded. The green postal card did come back from the hearing notice sent signed by Ms. Keefer.

The Board went off record and into deliberation.

The Board went back on record at 10:27 a.m.

A motion was made by Ms. Lord, seconded by Mr. Reed, to suspend the license of Ms. Keefer, allow her 30 days to make payment at which time if no payment has been received, her license will be revoked. The motion was carried by Ms. Nellius, Ms. Lord, Ms. Le, Ms. Schaeffer, Ms. Wilson, Ms. Scanlon, and Mr. Reed. Ms. Jones opposed.

Proposal to Deny Hearings

Tuan Thanh Nguyen

The hearing began at 10:39 a.m.

Ms. Heeney introduced the Hearing was due to revoked license in Pennsylvania and entered a packet of documents including hearing notice, consent agreement from Pennsylvania Board, and application with supporting documents as Board's Exhibits 1 and 2.

Mr. Nguyen was sworn in and agreed to continue without legal council.

Mr. Nguyen stated that he was licensed as a cosmetologist in Pennsylvania and Virginia and needs 1500 hours and 1yr experience for a Delaware license and he meets those requirements. He stated that he is also a licensed instructor in VA and plans to be in DE as well. In 2007, he tried to help three family members, who had difficulty with the English language, by taking their exam in PA. As a result, his license was revoked in PA and is asking the Board to give him a chance to prove he is worth the license in DE.

Ms. Scanlon asked Mr. Nguyen if PA allowed a translator for the exam. Mr. Nguyen stated that at that time they did not which is why he took their exam.

Ms. Wilson asked Mr. Nguyen to verify again that he actually took the exam for these family members. Mr. Nguyen replied that he did and he knows now that was wrong.

Ms. Nellius asked Mr. Nguyen since PA didn't allow a translator at the time if he knew he was committing fraud. Mr. Nguyen replied he did and his license was revoked.

Ms. Lord asked Mr. Nguyen how he was able to obtain an instructors license. Mr. Nguyen replied that his instructor license is in VA.

Ms. Heeney asked Mr. Nguyen if VA asked why his license was revoked in PA. Mr. Nguyen replied that he applied by exam to VA so his license was based off of the hours he had not a previous license.

The Board went off record and into deliberations.

The Board went back on record.

Previous applications of Mr. Nguyen's were entered as ?? Exhibit 3.

The Board went off record.

The Board went back on record.

Ms. Nellius asked Mr. Nguyen if he knew that the verification from VA was a year old.

The Board went off record.

The Board went back on record.

A motion was made by Ms. Lord, seconded by Ms. Nellius, to table the application of Mr. Nguyen pending updated license verification from VA and employer affidavit and continue the hearing at the January 31, 2011 meeting. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Nellius, to re-open the hearing due to receipt of additional documentation. The motion was unanimously carried.

The Board went back on record.

Ms. Scanlon was not present.

Mr. Nguyen provided a letter of good standing from VA dated 5/13/10 and an employer affidavit from a Mr. Chai from Falls Church, VA.

The Board went off record and into deliberations.

The Board went back on record.

A motion was made by Ms. Lord, seconded by Mr. Reed, to approve the application of Mr. Nguyen. The motion was unanimously carried.

The hearing adjourned at 12:32 p.m.

Verbatim testimony was taken by the court reporter.

Rosa Van

The hearing was called to order at 12:37 p.m.

Ms. Heeney introduced the hearing was due to the applicants disciplinary history in Pennsylvania and entered documents including PTD letter, applicants request for a hearing, hearing notice and documents regarding plea statement as Board's Exhibit 1.

The Board members were introduced.

Ms. Van was sworn in and agreed to continue without legal council.

Ms. Van testified that her Pennsylvania employer was short-handed and asked her to wax a client even though she was not licensed. She stated that an investigator witnessed her waxing without a license. Ms. Van was fined \$250.00.

Ms. Nellius asked when this happened. Ms. Van replied March 2010 and testified that she had only had a nail technician license.

Ms. Wilson asked if she had paid the fine. Ms. Van replied yes she had.

Ms. Lord asked if she has previously waxed. Ms. Van replied that she had not after she received the citation.

Ms. Van added that she was laid off from that employer and lives in DE supporting both of her parents and commutes to PA. She has been offered a job in DE and would like to work in DE.

The Board went off record and into deliberations.

The Board went back on record.

A motion was made by Ms. Jones, seconded by Ms. Le, to approve the application of Ms. Van. The motion was carried by Ms. Jones, Ms. Le, Ms. Nellius, Ms. Schaeffer, Ms. Wilson, and Mr. Reed. Ms. Lord opposed.

The hearing adjourned at 12:51 p.m.

Verbatim testimony was taken by the court reporter.

Carol Gadsden

The hearing was called to order at 1:00 pm

Ms. Heeney introduced the hearing was due to the applicants disciplinary history in Pennsylvania and entered documents including hearing notice, request for hearing, PTD notice, and orders from the Pennsylvania Board as Board's Exhibit 1.

The Board members were introduced.

Ms. Gadsden was sworn in and agreed to continue without legal council.

Ms. Gadsden testified that she has held a license since 1975 and moved to De in 2001. She renewed her PA license in 2003 and was then advised that her license lapsed and then fined \$250.00. Due to caring for husband and father, she was unable to pay the fine and in order to renew her license she had to pay a double fine of \$500.00. Ms. Gadsden added she currently commutes to PA and would like to get a job in DE since this is where she lives.

The Board went off record and into deliberations.

The Board went back on record.

A motion was made by Ms. Lord, seconded by Ms. Jones, to approve the application of Ms. Gadsden. The motion was unanimously carried.

The hearing adjourned at 1:10 p.m.

Verbatim testimony was taken by a court reporter

OLD BUSINESS

Re-Review of Applications

A motion was made by Ms. Lord, seconded by Ms. Wilson, to approve the applications of Yahweh Spa and Rhonda's Family Hair Care. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Jones, to approve the application of Christine Winkler contingent upon receiving updated license verification from Florida.

The motion was unanimously carried.

Final Denial of Applications

A motion was made by Ms. Jones, seconded by Ms. Lord, to deny the applications of Phuongh Nguyen, Cuc Kim Huyn, Viet Ho, and Lien Ngoc Huynh. The motion was unanimously carried.

Propose to Deny Applications

A motion was made by Ms. Lord, seconded by Mr. Reed, to approve the application of Len's Barber Shop. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Jones, to deny the applications of Darlene Curtis, Majestic Hair Images/Day Spa, and Miren Noguchi due to failure to respond to the tabled letters. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Jones, to deny the application of Khristina Keithley for needing 5 years of experience after licensure. The motion was unanimously carried.

Discussion of Statutory Requirement 5119 and 5134

A motion was made by Ms. Lord, seconded by Ms. Le, to table this discussion until January meeting. The motion was unanimously carried.

Elections

A motion was made by Ms. Lord, seconded by Ms. Le, to table the elections until the January meeting due to several Board members not in attendance. The motion was unanimously carried.

NEW BUSINESS

Review of Applications

A motion was made by Ms. Lord, seconded by Mr. Reed, to approve the applications of Andrea Conner, Hanh Tran, Mai Luu, Marc Sterling, Glenn Snader, Reah Yi, Rondell Thurman, Jennifer Fannin, and Alexis Bertrando. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Mr. Reed, to approve the application of Khi Vui Chiem contingent upon receipt of an updated Florida license. The motion was unanimously carried.

Review of Salon/School Applications

A motion was made by Ms. Lord, seconded by Mr. Reed, to approve the shop applications of Jade's Nails, Jade's Nails II, Gloss Spa LLC, Body Images LLC, Glow

Skin Studio LLC, Lookin Good, Studio 44, Unique Performance, Beauty By Bernadette, and Heritage of Dover. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Wilson, to contingently approve upon receipt of updated professional license the applications of Scissor Wizards Hair Studio LLC, Nubian Hair Design, and M & H. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Le, to table the application of Nelly's Beauty Paradise for discrepancy between the address on application and the address on the business license. The motion was unanimously carried.

Schedule Disciplinary Hearings

The Board decided to allow Ms. Witte to schedule the hearings according to the Board's current hearing schedule.

Complaint Status

08-10-07-Closed
08-12-07-Closed
08-17-07-Closed
08-01-08-Office of the Attorney General
08-03-08-Office of the Attorney General
08-04-08-Office of the Attorney General
08-13-08-Office of the Attorney General
08-15-08-Office of the Attorney General
08-16-08-Office of the Attorney General
08-22-08-Office of the Attorney General
08-23-08-Office of the Attorney General
08-24-08-Office of the Attorney General
08-26-08-Closed
08-27-08-Closed
08-28-08-Office of the Attorney General
08-29-08-Closed
08-30-08-Closed
08-39-08-Assigned
08-46-08-Assigned
08-48-08-Office of the Attorney General
08-49-08-Assigned
08-52-08-Closed
08-53-08-Office of the Attorney General
08-54-08-Assigned
08-57-08-Office of the Attorney General
08-58-08-Office of the Attorney General
08-59-08-Office of the Attorney General
08-03-09-Office of the Attorney General
08-04-09-Office of the Attorney General
08-05-09-Closed
08-06-09-Closed

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08-07-09-Closed

08-08-09-Assigned

08-09-09-Office of the Attorney General

08-11-09-Closed

08-12-09-Assigned

08-13-09-Assigned

08-14-09-Closed

08-15-09-Closed

08-16-09-Closed

08-17-09-Closed

08-18-09-Closed

08-19-09-Office of the Attorney General

08-20-09-Office of the Attorney General

08-21-09-Office of the Attorney General

08-22-09-Office of the Attorney General

*08-24-09-Closed

08-25-09-Assigned

08-26-09-Office of the Attorney General

08-28-09-Assigned

08-29-09-Office of the Attorney General

08-30-09-Assigned

08-37-09-Closed

08-39-08-Office of the Attorney General

08-40-09-Office of the Attorney General

08-41-09-Office of the Attorney General

08-42-09-Office of the Attorney General

08-43-09-Closed

08-44-09-Assigned

08-45-09-Assigned

08-46-09-Office of the Attorney General

08-47-09-Office of the Attorney General

08-48-09-Office of the Attorney General

08-49-09-Assigned

08-50-09-Closed

08-51-09-Closed

08-52-09-Office of the Attorney General

08-53-09-Office of the Attorney General

08-54-09-Office of the Attorney General

08-55-09-Assigned

08-01-10-Office of the Attorney General

08-02-10-Closed

08-04-10-Assigned

08-05-10-Closed

08-06-10-Assigned

08-07-10-Assigned

08-08-10-Office of the Attorney General

08-09-10-Office of the Attorney General

08-10-10-Assigned

08-11-10-Assigned

08-12-10-Assigned
08-13-10-Assigned
08-15-10-Closed
08-16-10-Assigned
08-17-10-Office of the Attorney General
08-18-10-Assigned
08-19-10-Assigned
08-20-10-Office of the Attorney General
08-21-10-Assigned
08-22-10-Office of the Attorney General
08-23-10-Office of the Attorney General
08-24-10-Office of the Attorney General

Review of Applications-Eileen Heeney

A motion was made by Ms. Lord, seconded by Mr. Reed, to approve the examination application of Rashinda Booker. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Wilson, to table the application of Therese Phuong Anh Nguyen pending fingerprints and SBI report from the Delaware State Police. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Le, to delegate the application of Liana Jones to Ms. Heeney, Board Deputy Attorney General. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Lord, to deny the reinstatement application of Susan Drummond due to her conviction. The motion was unanimously carried.

Discussion of Unlicensed Waxing Practice and Licensure

The Board table discussion until the January 2011 meeting.

Ratification of Reinstatement Application

A motion was made by Ms. Lord, seconded by Mr. Reed, to ratify the reinstatement application of Corey Wimbs. The motion was unanimously carried.

OTHER BUSINESS BEFORE THE BOARD

A motion was made by Ms. Nellius, seconded by Ms. Lord, to continue the proposal to deny hearing of Tuan Nguyen at the January 2011 meeting due to a re-review of documentation by the Board's DAG. The motion was unanimously carried.

PUBLIC COMMENT

Debbie Frazier, from Dawn Career Institute, questioned the Board in reference to the

changes with PCS. Mr. Collins advised that the Board is currently working on these

changes and will be following up with PCS.

Ms. Hartnett addressed the Board in reference to her application to change shop location and the importance of it being approved before the December deadline of her eviction. The Board agreed that the application could be reviewed, and the license issued after conferring with a Board member and ratifying at the January meeting.

Richard Klonowski questioned the Board on how to obtain a license in Delaware. He was advised to speak with the Administrative specialist after the meeting.

NEXT SCHEDULED MEETING

The next Board meeting will be January 31, 2011 at 9:00 a.m. in Conference Room A.

ADJOURNMENT

A motion was made by Ms. Lord, seconded by Ms. Le, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 2:25 p.m.

Respectfully submitted,

Jennifer Witte
Administrative Specialist, II